



Paraguay

Country Reports on Human Rights Practices - [2003](#)

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Paraguay is a constitutional republic with three branches of government. The President is the head of government and head of state; he cannot succeed himself. In April, voters elected Nicanor Duarte Frutos of the Colorado Party, as President in generally free and fair elections. In August, Duarte was inaugurated, succeeding Luis Gonzales Macchi. The bicameral Congress consists of a 45-member Senate and an 80-member Chamber of Deputies. The Colorado Party, the dominant political party, controlled the Chamber of Deputies, while a coalition of five opposition parties controlled the Senate. The Constitution provides for an independent judiciary; however, the courts remained inefficient and subject to corruption and political pressure.

The military generally did not play an overt role in politics; however, members of two army units and a group of National Police officers participated in an attempted coup in 2000. The National Police has responsibility for maintaining internal security and public order and reports to the Ministry of the Interior. On several occasions during the year, generally in response to increased crime, the Government called on the military to assist the police in maintaining public order. The civilian authorities generally maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country has a market economy with a large state presence and a large informal sector. The population was approximately 5.8 million. An estimated 32 percent of the population was employed in agriculture, which provided 30 percent of the gross domestic product (GDP) and more than 90 percent of export earnings. In 2002, the per capita GDP fell to \$934, its lowest level in 17 years. The Central Bank projected 2 percent growth for the year, after a 2.2 percent contraction in 2002. The informal economy, estimated to equal the value of the formal sector, also has shrunk considerably in recent years.

The Government generally respected the human rights of its citizens in most areas; however, there were serious problems in some areas. There were killings by the police and military. Incidents of torture and abuse of convicted prisoners and other detainees continued, including an unresolved case of abduction and torture of two kidnapping suspects, allegedly directed by government agents. The Human Rights Ombudsman prosecuted cases of human rights abuses committed during the 1954-89 Stroessner regime. Prisons were overcrowded and violent. Other problems included arbitrary arrests and detention, lengthy pretrial detention, corruption and inefficiency in the judiciary, and infringements on citizens' privacy rights. The Government took steps to reduce illegal military conscription and treatment of conscripts improved; however, recruitment and conscription of minors continued. Police used force against illegal but peaceful demonstrations. Violence and discrimination against women, abuse of children, and discrimination against persons with disabilities and indigenous people were problems. Worker rights were not protected adequately, and child labor was a problem. Trafficking in persons was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

There were no political killings; however, the police and military were responsible for some killings involving the use of unwarranted or excessive force. There were reports that police officers killed persons while acting outside the scope of their duties and of deaths in custody.

In August, a police officer killed 17-year-old Christian Bernardo Vega Moran with a gunshot to the head and injured

two other minors. The policeman claimed that the youths had opened fire on him and was not charged.

In September, authorities arrested a member of the National Police, Adrian Martinez, and charged him with killing two 15-year-old boys, Oscar Romero Salinas and Rumilio Caceres. Prosecutors alleged that he sexually abused the boys before shooting each in the head. The case had not come to trial by year's end.

In response to a request by Human Rights Watch that it investigate deaths among military recruits, the armed forces began to enforce rigidly the requirement that conscripts be 18 years of age. There have been no reported deaths among recruits since the armed forces adopted this practice.

Military investigators investigated the 2002 death of Luis Bobadilla Acuna, a 16-year-old military recruit. Military policemen detained Bobadilla after they found him drunk while on leave. While in custody, Bobadilla died of a gunshot wound to the temple. Investigators determined that the shooting was either accidental or a suicide. His family replied that he was shot in the right side of the head, but that he was left-handed. He was the first conscript to die in more than a year. The military refused to investigate the issue further.

No new information was available on the continuing investigation into the June 2002 police killing of rural demonstrator Calixto Cabral.

In the pending investigation of three police officers involved in the killing of Cynthia Fretes, a January ballistics test demonstrated that she died from a bullet fired by police officer Roque Fretes. The case remained on court dockets but had not come to trial by year's end.

There were no new developments in the pending trial of police officer Adan Ramirez Olazar in the killing of Roberto Carlos Paniagua Jara.

In June, a judge freed former President Raul Cubas from house arrest. The charges Cubas faced over the deaths of seven demonstrators in 1999 remained in place, although the judge declared that Cubas bore no responsibility for the deaths. A petition to dismiss the charges remained pending at year's end.

In September, the Congress passed legislation to create a Truth and Justice Commission to deal with former President Stroessner's abuses. Human rights nongovernmental organizations (NGOs), as well as the National Movement of Victims of the Stroessner Dictatorship, lobbied for 6 months for the creation of the commission.

In September 2002, lawyers from the Committee of Churches, an NGO, petitioned the Foreign Ministry to continue prosecuting a motion to extradite Stroessner from Brazil to stand trial for a murder committed in 1987. By year's end, the Ministry had not acted on a 2001 petition to extradite Stroessner for the 1976 killings of Rodolfo and Benjamin Ramirez.

b. Disappearance

There were no reports of politically motivated disappearances.

In January 2002, law enforcement agents from the Attorney General's office allegedly kidnapped, tortured, and threatened the lives of leftist political figures Juan Arrom and Asuncion Marti. Arrom and Marti, suspects in the kidnapping of Maria Bordon de Debernardi, allegedly were held captive for 2 weeks. They were freed by family members, who claimed they were tipped off about Arrom and Marti's whereabouts by neighbors and police. Interior Minister Julio Cesar Fanego, Justice and Labor Minister Silvio Ferreira, Police Chief Blas Chamorro, and Investigations Chief Roberto Gonzalez Cuquejo all resigned shortly after the Arrom/Marti incident.

In December 2002, prosecutors filed kidnapping charges against Arrom and Marti. In July, police raided a house in the Department of San Pedro and seized a large cache of arms belonging to the Arrom-led Patria Libre Party, which had been stored at the residence of a party member and intermixed with dozens of boxes of party campaign literature. Carmen Villalba, wanted in the Debernardi case, was arrested. Her husband, Alcides Oviedo, escaped and remained in hiding at year's end. In August, Arrom and Marti, who were free on bail, disappeared days before their trial began. In December, Arrom and Marti appeared in Brazil, where they had been granted political refugee status. The Government continued to work with Brazilian authorities to revoke their refugee status and return them. They were being tried in absentia at year's end.

The Supreme Court maintained documents related to abuses committed during the Stroessner regime in an Archives of Terror that were available for research by academics and the general public. During the investigation of the alleged Arrom/Marti abduction, authorities discovered additional documents that were added to the Archives.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, torture (primarily beatings) and brutal and degrading treatment of convicted prisoners and other detainees continued. The Paraguay Human Rights Coordinating Board (CODEHUPY)--a group of 32 NGOs, civic organizations, and trade unions--reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees. The Attorney General's office and the NGO, Committee of Churches, compiled numerous examples of police abuse. In September, Elvio Riquelme, one of the accused in the killing of the entertainer Luis Rios, claimed that four policemen tortured him in the course of questioning.

In 2000, several persons arrested during the state of exception following the abortive 2000 coup reported that former Interior Minister and legislator Walter Bower witnessed and encouraged the beatings of suspects in three unrelated cases. In August 2001, prosecutors charged Bower with torture and other crimes for his actions following the abortive coup. Bower's trial continued, although it reached the 3-year point since the alleged torture took place, triggering the automatic dismissal of the charges, as stipulated by law. Prosecutors successfully launched a special appeal to keep the case alive on the basis that the 3-year limit does not apply in the case of torture allegations.

Police used force to disperse illegal but nonviolent protesters on several occasions, sometimes killing or seriously injuring civilians.

The Constitution allows the Human Rights Ombudsman (Defensor del Pueblo) to prosecute hundreds of cases of human rights abuses stemming from the 1954-89 Stroessner regime for monetary compensation. Since his appointment in November 2001, the Ombudsman, Manuel Paez Monges, has ruled that 35 persons were entitled to compensation. In October 2002, Paez Monges announced that 13 victims of repression during the Stroessner dictatorship would receive compensatory awards; this was the first relief awarded by the Ombudsman's Office.

Prison facilities were deficient, and prison conditions were extremely poor. Overcrowding, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners. Tacumbu Prison--the largest in Asuncion--was built to hold 800 inmates but held 2,470 as of mid-year. A majority of those held were awaiting trial. Other regional prisons generally held approximately three times more inmates than originally planned. UNICEF reported that conditions were substandard in other facilities around the country, especially in the Coronel Oviedo prison, where more than 500 inmates were confined in a facility built for 100.

Security was a problem throughout the prison system. For example, there were 120 guards for nearly 2,500 prisoners at Tacumbu Prison. Inmates frequently had weapons, particularly at the Emboscada prison in Minas. Escapes and escape attempts were frequent. In April, police prevented an escape by 13 prisoners from the Nemby facility. They were subsequently transferred to the Tacumbu prison.

In August, Judge Pedro Mayor Martinez ordered the Minister of Justice and Labor to issue a report on conditions inside Tacumbu. The Committee of Churches petitioned the judge on behalf of more than 1,000 prisoners at the facility. The Committee highlighted in its complaint the lack of medical attention afforded to inmates.

In September, the Public Defender's Office released a report that revealed that the budget for feeding prisoners at Tacumbu amounted to \$0.11 (687 guaranies) per prisoner per day. There were no funds available to provide medicine for ill prisoners. The Ministry of Justice and Labor responded that the food budget was in fact \$0.67 (4,187 guaranies) per prisoner per day.

In the same month, human rights prosecutor Juan Avalos filed a complaint with the Attorney General that guards at the Educational Center of Itagua, a facility for young offenders, routinely put 12 prisoners into cells with only 2 beds. He reported finding numerous untreated cases of scabies, a parasitic skin infection, at the facility, along with signs of malnutrition.

Female prisoners were generally held in separate facilities from male prisoners. Although some smaller institutions held prisoners of both sexes, it was government policy to hold them in separate wings.

Juvenile prisoners were generally held in separate institutions; however, in smaller, regional prisons outside the

capital, adults and juvenile prisoners continued to be held together.

There were a number of instances of prisoners killing other prisoners. In April, Isidro Nunez, a prisoner transferred to Tacumbu, was stabbed during the night by a cellmate.

Corruption among prison guards remained a problem. In September, prosecutors and agents from SENAD, the anti-narcotics secretariat, began an investigation into alleged drug dealing by guards at the Regional Penitentiary in Ciudad del Este, after a police raid uncovered knives and paraphernalia for smoking marijuana.

The Government permitted independent monitoring of prison conditions by human rights organizations. Amnesty International and diplomatic representatives were granted access to prisons for announced and unannounced visits.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement; however, arbitrary arrest and detention were persistent problems. The police may arrest persons without a warrant if they catch them in the act of committing a crime, but they must notify a prosecutor. In practice the authorities did not always comply with these provisions.

The main police agency is the National Police, which is under the authority of the Minister of Interior. The police were inadequately funded, poorly trained, and generally corrupt. The Government took steps to control and punish human rights violations committed by police officers; however, the police generally enjoyed impunity for their actions. There were reports that police were involved in narcotics trafficking and provided support to the more notorious kidnapping rings. Large-scale retirements, separations, and transfers of senior police officers implemented by the new administration did not result in a noticeable improvement in services by year's end.

Under the Penal and Criminal Procedures Code introduced in 2000, once the police make an arrest they have up to 6 hours to notify the Prosecutor's Office, at which point the Prosecutor's Office has up to 24 hours to notify a judge whether it will prosecute the case.

The new code reduced the backlog of pending criminal cases, and the average length of a criminal proceeding dropped by 75 percent, resulting in a reduction of the length of pretrial detention. The average time from arrest to trial was approximately 240 days. While the law encourages speedy trials, the Constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurred in practice. Judges have the discretion to permit "substitute measures," such as house arrest, in place of bail for most crimes. Judges frequently set relatively high bail, and many accused persons were unable to post bond. The Supreme Court and many criminal court judges made periodic visits to the prisons to identify and release improperly detained individuals.

The law grants accused criminals the right to counsel; however, the Government lacked the resources to provide counsel to poor defendants, and many continued to go to trial without representation. The Government permitted criminals with access to money to hire attorneys. Inmates were allowed regular visits from family members, including conjugal visits.

The Constitution expressly prohibits exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, courts remained inefficient and subject to corruption and political influence. Politicians and other interested parties often pressured judges, although the judiciary was not allied with any one political group.

The nine-member Supreme Court appoints lower court judges and magistrates, based upon recommendations by the Magistrate's Council. There are five types of appellate tribunals: Civil and commercial, criminal, labor, administrative, and juvenile. Minor courts and justices of the peace fall within four functional areas: Civil and commercial, criminal, labor, and juvenile. The military has its own judicial system.

The Penal Procedures Code provides the legal basis for the protection of fundamental human rights. The new code introduced expedited oral proceedings and requires prosecutors to bring charges against accused persons within 180 days. Defendants enjoy a presumption of innocence, and defendants and the prosecutor may present the written testimony of witnesses as well as other evidence. The judge alone determines guilt or innocence and decides punishment. A convicted defendant may appeal his or her sentence to an appeals court, and the Supreme Court has jurisdiction over constitutional questions.

The Supreme Court took steps to combat corruption in the judicial system. In February, it intervened against a Ciudad del Este trial judge who freed organized crime convicts and other suspects on bail, apparently in return for bribes. The plaintiffs had been accused of tax evasion, extortion, racketeering, and arms trafficking charges. The judge was suspended without pay.

In September 2002, the Supreme Court voided provisions of the new criminal code that would have dismissed those cases filed under the old system that were still pending on February 28. Human rights advocates hailed this decision, which they felt would prevent defendants from avoiding prosecution by delaying their cases until that deadline. In June, the Supreme Court rejected the Attorney General's constitutional challenge of the articles in the Penal Code that limit the duration of court cases to 3 years. The courts invoked these articles to dismiss the charges against 18 military officers and others accused of attempting to overthrow the Government in May 2000 (see Section 1.c.).

The Constitution stipulates that all defendants have the right to an attorney, at public expense if necessary; however, this right often was not respected in practice. Many destitute suspects received little legal assistance, and few had access to an attorney sufficiently in advance of the trial to prepare a defense. The 148 public defenders in the country, including 44 in Asuncion, lacked the resources to perform their jobs adequately.

There were several reports of the political intimidation of prosecutors attempting to investigate official corruption. In April, a judicial panel ordered the firing of prosecutor Alejandro Nissen, accusing him of malfeasance and grandstanding. The firing came the day after Nissen accused the Chamber of the Deputies president of possession of a stolen car.

In August, Basilia Vasquez, the leading prosecutor in Ciudad del Este, came under attack by cigarette smugglers. Media outlets controlled by contraband dealers published calls for a formal investigation into her actions. The Attorney General's report on the affair stated that there was no basis for the accusations.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits police entry into private homes except to prevent a crime in progress or when the police possess a judicial warrant; however, at times the Government infringed on citizens' privacy rights. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abused their authority by entering homes or businesses without warrants and harassing private citizens. There were allegations that some government offices occasionally spied on individuals and monitored communications for partisan or personal reasons.

During the year, the Government took steps to reduce the illegal conscription of minors, the mistreatment of recruits, and the unexplained deaths of recruits (see Sections 1.a. and 1.c.). The Government's Inter-Institutional Committee, including judges, attorneys, legislators, and NGO representatives, continued its visits around the country during the year to inspect conscripts' records and identify any minor soldiers. The Committee had the power to investigate and report on abuses and conditions.

The Government established review procedures for military recruits to prevent future enlistment of minors, although it was unclear whether they were implemented. The Government ordered all military officers responsible for recruiting to ensure that all conscripts met the legally minimum mandated requirement age of 18 for military service. The armed forces no longer allowed 17-year-olds to enlist with parental permission, and they experienced considerable success in implementing the policy. However, there were reported violations, including allegations that military recruiters encouraged underage recruits and assisted them in obtaining false birth certificates.

The Constitution provides for the deferral of military service for conscientious objectors, but there is no legal framework guiding the military's treatment of those claiming the status. In August, the Senate rejected a bill that would have codified the rights of conscientious objectors. Since 1993, 120,000 conscripts have been recognized as

conscientious objectors. During the year, a campaign for a constitutional amendment to abolish conscription organized by a group of conscientious objectors gained strength, and General Jose Key Kanazawa, Commander of Military Forces, stated that the future of conscription was a decision for elected officials.

In September, the Ministry of Defense closed its human rights office in the wake of anonymous complaints from within the Ministry. The office had been created in 2001, as part of an agreement with the Inter-American Commission on Human Rights (IACHR).

In the same month, the Association of Families of Military Victims announced plans to open a clinic for conscripts suffering from mental problems brought on by compulsory military service. They complained that soldiers displaying mental problems were routinely interned in the Neuropsychiatric Hospital, where they were abused instead of treated. The group asked the military to provide space for such a clinic.

In May, residents of Marquetalia, a squatter settlement founded in 1999 in San Lorenzo, invaded areas surrounding their camp, seizing private homes and taking their owners hostage. The Government defused the crisis by purchasing the invaded land and turning it over to the squatters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and the press, and the Government generally respected these rights in practice.

The print and electronic media were independently owned; some media outlets were tied closely to political parties, particularly the Colorado Party, factions of this party, or business entities. The media commonly criticized the Government and freely discussed opposition viewpoints.

In June, a television network investigative program, "The Informer," tried to air a story accusing several Colorado Party activists of participating in a ring that counterfeited foreign currency. The party threatened to sue the network for libel. The network avoided the lawsuit by not airing the item, and the journalistic team that produced the show resigned in protest. Authorities made no official investigation into the journalists' allegations.

Chinese groups involved in contraband from the Ciudad del Este area reportedly threatened the life of Ultima Hora journalist Gustavo Garcia for investigating them.

The Sindicato de Periodistas journalists' union complained that media outlets regularly censored reports that did not conform to the political views of their proprietors.

In June, a Ciudad del Este television station fired journalist Nidia Farina after she criticized the city's mayor. The journalists' union claimed that the station's proprietors forced the journalist to go to the mayor's office to deliver an apology for the reports.

In June, the (IACHR) reported on the torture of radio journalist Fausto Coronel of Radio Nueva Esperanza by San Lorenzo municipal authorities for reporting on instances of corruption. The municipality blocked attempts to organize an internal investigation.

In September, Judge Marcos Kohn issued an injunction that prohibited Telecomio, a political satire program, from airing any material dealing with the trial of Juan Arrom and Asuncion Marti for the kidnapping of Maria Edith de Debernardi.

Libel law is applied very irregularly, and plaintiffs can often obtain a favorable ruling regardless of the merits of a case by offering to share the settlement with the judge. In March, a court ordered historian Luis Veron to pay approximately \$1,800 (11,250,000 guaranies) in punitive damages to architect Luis Fernando Pereira. In one of his works, Veron criticized the design of a church developed by Pereira.

The Government did not restrict use of the Internet, nor did it censor Internet content.

The Government generally did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice; however, in some cases police used violent force against nonviolent assemblies.

The law restricts demonstrations in Asuncion to certain times and places, and specifically prohibits meetings or demonstrations in front of the presidential palace and outside military or police barracks. Some groups have opposed these restrictions. The law also requires that organizers notify the Asuncion police 24 hours before any rally downtown. In addition, the law prohibits public gatherings in the congressional plaza in Asuncion, the traditional focal point for many demonstrations, during daylight hours on workdays. The police may ban a demonstration but must provide written notification of the ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. This law does not apply to religious processions. The Constitution prohibits closing roads as a form of protest; however, demonstrators did so on several occasions during the year.

The organizers of the Paraguay Libre rural movement claimed that departmental governments controlled by the Colorado Party harassed laborers in the countryside. In a 2-week period after giving a speech near Ciudad del Este, one organizer reported the theft of two vehicles and a break-in at his house.

The Coordinating Group of the National Organization of Rural Workers organized a series of peaceful demonstrations in July. Members blocked several national highways, and presented a manifesto to leaders of the Congress calling for a reduction in rural electricity charges, agricultural reforms, and the release of Raul Marin, a public defender jailed for being the leader of the Marquetalia land invasion.

The Constitution provides for the right of all citizens to free association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government required that all religious groups register with the Ministry of Education and Culture but imposed no controls on these groups, and many informal churches existed.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. On the day President Gonzalez Macchi left office, Judge Hugo Sosa Pasmor barred him from leaving the country. During his term, Gonzalez Macchi was the subject of an investigation into the illegal diversion of \$16 million from liquidated banks into foreign accounts and has since been indicted for his role in the case.

The law provides for the granting of asylum and refugee status to persons who meet the definitions in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Immigration Department determines each request on a case-by-case basis in consultation with the Ministries of Foreign Relations and Interior and the NGO Committee of Churches. According to the Committee of Churches, there were 21 individuals with refugee status in the country, with another 11 foreign nationals whose petitions were pending. Russia, Vietnam, and Cuba together accounted for 27 of the 32 cases.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution and the Electoral Code mandate general elections every 5 years with voting by secret ballot.

In February, the Senate held an impeachment trial for then-President Gonzalez Macchi on charges of corruption. The trial ended in the president's acquittal. Multiple parties and candidates contested the country's leadership positions in the April presidential and congressional elections. Five parties were represented in the Congress that

assumed office in July. The opposition Liberal Party won several of the departmental governorships. Debate in Congress was free and frank, and the Congress often rejected the executive branch's proposals. For the first time, the Senate came under control of the opposition. However, partisan court intervention permitted the Colorado Party to retain control of the Chamber of Deputies when a judge blocked several opposition members from taking their seats until several days after the new Congress convened, allowing the Colorado candidate for Chamber president to be elected on the first day of the session.

Observers from the Organization of American States characterized the April elections as free and fair. There were no reports of systematic nationwide irregularities, although Transparency Paraguay, an NGO, cited irregularities at several polling stations. Turnout was approximately 70 percent. For the first time in a national election, about half of voters cast their ballots on electronic voting terminals, which were less prone to manipulation than paper ballots. In response to political pressure from the Colorado Party, the electoral tribunal slightly scaled back the number of polling stations using the machines.

There are no legal impediments to women's participation in government and politics. There were 12 women in Congress (5 of 45 senators and 7 of 80 national deputies), 1 woman elected as a departmental governor, and 3 women headed government ministries. The Electoral Code requires that 20 percent of each party's candidates in their internal primaries for elective office be women. Women served as judges (although not on the Supreme Court) and prosecutors.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right grew significantly in recent years. The inhabitants of some indigenous communities reported that they were threatened and prohibited from fully exercising their political rights.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, the Government had a mixed record in cooperating with or responding to recommendations from such groups.

Local NGO human rights groups included the Committee of Churches (an interdenominational group that monitored human rights, investigated refugee claims, and provided legal assistance), Tekojoja (a group dedicated to the protection of children's rights), and SERPAJ (a group that defended conscientious objectors and provided legal assistance to those with grievances arising from military service). CODEHUPY's annual report continued the Council's past practice of highlighting abuses of police authority and mistreatment of military recruits and noted that an impartial and corruption-free judiciary was necessary to enforce human rights in the country.

In October 2001, Ombudsman Paez Monges began work as the country's human rights advocate. His office took charge of the prosecution of 330 lawsuits seeking compensation for human rights violations dating from the Stroessner dictatorship (see Section 1.c.). His term ended during the year, but he remained in office pending the choice of a new ombudsman.

The Director General of Human Rights, located in the Ministry of Justice and Labor, chaired the National Commission on Human Rights. The commission sponsored seminars to promote human rights awareness. The Director General's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power, but the commission may forward information concerning human rights abuses to the Attorney General for action. It served as a clearinghouse for information on human rights and trained thousands of educators in human rights law.

In July, the Foreign Ministry released its first human rights report. The report claimed that civil and political rights have been consolidated in the country and called for concentrating efforts in the economic and social realm. The report noted the steep increase in poverty over the past decade and the heightened feelings of insecurity among the public in response to elevated crime rates. It also acknowledged rampant corruption in numerous public institutions, especially the courts, and noted that many citizens have grown frustrated with the democratic system.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and other laws prohibit discrimination based on race, sex, disability, language, or social status; however, certain groups, such as indigenous people, faced significant discrimination in practice.

Women

The most pervasive violations of women's rights involved sexual and domestic abuse, which were underreported. Spousal abuse was common. Although the Penal Code criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal, and then is punishable only by a fine. Thousands of women were treated for injuries sustained in violent domestic altercations. In recent years, there has been a trend toward the increased reporting of complaints, although statistics were unreliable.

According to women's rights activists, official complaints rarely were filed or were withdrawn soon after filing due to spousal reconciliation or family pressure. In addition, the courts allow for mediation of some family violence cases, although the law does not include this provision. There were no specialized police units to handle complaints involving rape. The Secretariat of Women's Affairs' Office of Care and Orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's office, and NGOs. In practice these services were available only in Asuncion. The Secretariat also conducted training courses for the police, health care workers, prosecutors, and others.

The Women's November 25th Collective, an NGO, operated a reception center where female victims of violence received legal, psychological, and educational assistance. No shelters for battered and abused women were available outside of Asuncion. Many imprisoned women reportedly were detained for assault, including murder, committed following domestic violence.

The law prohibits the sexual exploitation of women, but the authorities did not enforce the prohibition effectively. Prostitution by adults is not illegal, and exploitation of women, especially underage prostitutes, remained a serious problem.

There were reports of trafficking in women (see Section 6.f.).

The Labor Code prohibits sexual harassment; however, many women in the workplace faced sexual harassment. Claims of abuse are filed with the courts and the Ministry of Justice and Labor. Sex-related job discrimination continued to be widespread and widely tolerated. The Secretariat of Women's Affairs occasionally sponsored programs intended to give women free and equal access to employment, social security, housing, ownership of land, and business opportunities.

During the year, the national military academy admitted female cadets for the first time.

Women had higher illiteracy rates than men. A 2001 census survey found that 15.4 percent of rural women were illiterate, compared with 10.7 percent of rural men. In addition, maternal mortality rates were high, and as many as 65 percent of such deaths were related to poor health care. Several groups worked to improve conditions for women, including Women for Democracy, which was active in civic and electoral education. Other groups included SUMANDO, an NGO that promoted educational reform and voter participation in elections, and SEFEM, which focused on women, public policy, and the participation of women in local development.

Children

The Constitution protects certain children's rights and stipulates that parents and the State should care for, feed, educate, and support children. The population was very young, with an average age of 25.3 years; 38.6 percent of the population was under age 15. A survey conducted during the year reported that 42 percent of children age 14 or younger lived in poverty, and that 11 percent of children suffer from chronic malnutrition. Boys and girls legally are entitled to equal treatment in education and health care; however, females had less access to education, particularly in rural areas. The educational system did not provide adequately for the educational needs of the population. Families pay a fee to cover each school's administrative expenses and must purchase books, uniforms, and other supplies for their children's use. The 2001 census found that the national literacy rate was 91.6 percent.

Abuse and neglect of children was a problem. A local NGO attributed a rise in the number of complaints of mistreatment of children to the increased awareness of child abuse and neglect.

Sexual exploitation of children also was a problem. In its most recent survey, released in 2001, the NGO, AMAR, identified 619 child victims of sexual exploitation, the vast majority of whom lived in Asuncion and Ciudad del Este. Approximately 33 percent of the victims were under the age of 16.

The passage of the Child and Adolescent Law in 2001 created a Secretariat level office and required municipalities to create a new office to promote the rights of children and adolescents. The Child and Adolescent Secretariat was underfunded (it had no budget appropriation for the year) and has not been very effective. However, since 2001, the number of municipalities with Child and Adolescent offices increased from 60 to approximately 120.

There were unsubstantiated reports of trafficking in girls for the purpose of sexual exploitation (see Section 6.f.).

There continued to be reports of the conscription of underage youth (see Section 1.f.).

Persons with Disabilities

The Constitution provides for equal opportunity for persons with disabilities and mandates that the State provide them with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of persons with disabilities. However, the Congress never enacted legislation to establish such programs or provided appropriate funding. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for the persons with disabilities, and the vast majority of the country's buildings, both public and private, were inaccessible.

Conditions at the Neuropsychiatric Hospital in Asuncion were substandard, and some patients reportedly were kept unclothed in cells and were not treated for their mental illnesses. The physical facilities of the hospital lacked running water, electricity, or even roofs, and the hospital was severely understaffed. The patients were not fed adequately, in many cases receiving only bread or crackers and tea. Parasitic and skin infections were widespread and rarely treated. Children were housed with adults in the facility and were subject to sexual assaults from older patients. In a 3-week period in August and September, three patients, two of them minors, were found dead in their beds. In one case, the patient had been dead for several days before hospital staff became aware of the death. Another patient's family complained to the press that the hospital initially reported the patient had escaped, before acknowledging the patient's death several days later.

Indigenous People

The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population--80,000, according to 2001 census data--was unassimilated and neglected. Low wages, long work hours, infrequent payment (or nonpayment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination were common. Weak organization and lack of financial resources limited access by indigenous people to the political and economic system. The Constitution also protects the property interests of indigenous people, but these rights were not codified fully. The Constitution allows Public Ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land hindered the ability of indigenous groups to progress economically and maintain their cultural identity. In addition, there was insufficient police and judicial protection from persons encroaching on indigenous lands. Many indigenous people found it difficult to travel to the capital to solicit land titles or process the required documentation for land ownership.

Other significant problems facing the indigenous population included lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention slowed progress in dealing with these problems.

In March, the IACHR presented to the Inter-American Court of Human Rights a complaint against the Government, involving a claim to ancestral lands by the Enxet Lengua Yakye Axa community.

Section 6 Worker Rights

a. The Right of Association

The Constitution allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions without government interference, and workers exercised this right in practice. The Constitution contains several provisions that protect fundamental worker rights, including an anti-discrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right

to strike. Approximately 121,000, or 15 percent of workers were organized in approximately 1,600 unions.

In general, unions were independent of the Government and political parties. One of the country's three labor centrals, the Confederation of Paraguayan Workers (CPT), was aligned closely with the ruling Colorado Party.

All unions must be registered with the Ministry of Justice and Labor. Although the official registration process was cumbersome and could take a year or more due to government bureaucracy, the Ministry of Justice and Labor issued provisional registrations within weeks of application. Employers who wish to oppose the formation of a union can delay union recognition by filing a writ opposing it. However, almost all unions that requested recognition eventually received it.

The International Labor Organization (ILO) Committee of Experts noted deficiencies in the application of certain conventions ratified by the Government. These included conventions dealing with minimum wage, abolition of forced labor, minimum age of employment, freedom of association, equal remuneration, and employment policy. The ILO specifically criticized the freedom of association regulations requiring a minimum of 300 workers to form a union; the imposition of excessive requirements to be able to hold office in the executive body of a trade union; and the submission of collective disputes to compulsory arbitration as inconsistent with international norms. In response to the ILO criticism, the Ministry of Justice and Labor did not enforce the 300-worker minimum, although the requirement remained in the Labor Code.

The Constitution prohibits anti-union discrimination; however, the harassment of some union organizers and leaders in the private sector continued. Union organizers sometimes were jailed for their role in leading demonstrations. Fired union leaders may seek redress in the courts, but the labor tribunals were slow to respond to complaints and typically favored business in disputes. The courts were not required to order the reinstatement of workers fired for union activities. In some cases when judges ordered the reinstatement of discharged workers, employers continued to disregard the court order with impunity. The failure of employers to meet salary payments also frequently precipitated labor disputes. Principal problems included backlogs in the judicial system and the inability or unwillingness of the Government to enforce labor laws. There were a number of cases involving trade union leaders fired as many as 8 years ago that remained pending in the courts. The ILO and the International Confederation of Free Trade Unions criticized the lack of measures to prevent anti-union discrimination and observed that legislation does not oblige labor courts to reinstate unfairly fired trade unionists.

There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. There were several cases of workers who allegedly chose not to protest due to fear of reprisal or anticipation of government inaction.

Unions were free to form and join federations or confederations, and they were affiliated with and participated in international labor bodies.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and this provision was generally respected in practice. According to the Ministry of Justice and Labor, there were approximately 30 collective bargaining agreements in place. However, they typically did little more than reaffirm minimum standards established by law. When wages were not set in free negotiations between unions and employers, they were made a condition of individual offers of employment.

The Constitution provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism rarely was employed. Senior Labor Ministry officials were available to mediate disputes.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of the strikes were related to the firing of union officials, management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. Others were directed at broader economic issues. In June, public employees undertook a 48-hour strike to reinforce their demand for a 35 percent salary increase. Approximately 60 different unions were involved in organizing the strike, although the number of actual protesters was less than 1,000. Only a handful of government offices closed during the strike. The Government rejected the strikers' call for a salary increase, stating that it had no money for pay raises. In August, municipal workers in Asuncion went on a 3-day strike during the inauguration ceremonies of the new President to protest the city's layoff of 700 workers.

There are no export processing zones. Maquiladora factories, which assemble imported parts for re-export, have been established in the eastern part of the country. The Mercosur trade association accepted the country's maquiladora factories into its automotive regime. The country's labor laws apply to maquila operators.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced labor, including by children; however, cases of abuse of national service obligations (compulsory military service for all males, unless exempted as conscientious objectors) occurred (see Section 6.d.). There were reports of conscripts forced to work as construction workers for military officers in their privately owned businesses.

d. Status of Child Labor Practices and Minimum Age for Employment

The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws; however, in general the Government did not enforce minimum working age regulations, and child labor was a problem. Minors between 15 and 18 years of age may work only with parental authorization and may not be employed in dangerous or unhealthy conditions. Children between 14 and 15 years of age may work only in family enterprises, agriculture, or apprenticeships. As of November, the Labor Code prohibits work by children under 14 years of age.

The 2001 census found that 5 percent of the workforce was under the age of 14. The Statistics Bureau reported that from August to December 2000, 55 percent of boys between the ages of 10 and 19 worked. According to the NGO Coeti, 265,000 children, or 13.6 percent of children between the ages of 5 and 17, worked outside their homes, many in unsafe conditions. There were reports that supermarkets employed boys as young as 7 to bag groceries and carry them to customers' cars. The boys did not receive wages and relied entirely upon tips for income. Thousands of children in urban areas, many of them younger than 12 years of age, were engaged in informal employment, such as selling newspapers and sundries and cleaning car windows. Many of the children who worked on the streets suffered from malnutrition and disease and lacked access to education. In April, a child selling candies in the street was struck by a bus and killed. Some employers of the estimated 11,500 young girls working as domestic servants or nannies denied them access to education and mistreated them. In rural areas, children as young as 10 years of age often worked beside their parents in the field; according to Coeti, 88 percent of rural children in the labor force worked at home or with family members. Local human rights groups did not regard families harvesting crops together as an abuse of child labor.

e. Acceptable Conditions of Work

The executive, through the Ministry of Justice and Labor, established a private sector minimum wage sufficient to maintain a minimally adequate standard of living for a worker and family. There was no public sector minimum wage. In practice, most (but not all) government agencies adjusted the hours of work for government workers to be paid at a rate comparable to the private sector minimum wage. The minimum salary is adjusted whenever annual inflation exceeds 10 percent, and it was approximately \$158 (987,500 guaranies) per month at year's end, according to the Ministry. However, the Ministry was unable to enforce the minimum wage and estimated that 50 percent of workers earned less. The Labor Code requires that domestic workers be paid at least 40 percent of the minimum wage and allows them to work up to a 12-hour day.

The Labor Code allows for a standard legal workweek of 48 hours (42 hours for night work), with 1 day of rest. The law also provides for an annual bonus of 1 month's salary and a minimum of 6 vacation days a year. The law requires overtime payment for hours in excess of the standard. However, many employers violated these provisions in practice. There are no prohibitions on excessive compulsory overtime. Workers in the transport sector routinely staged strikes to demand that their employers comply with the Labor Code's provisions on working hours, overtime, and minimum wage payments.

The Labor Code also stipulates conditions of safety, hygiene, and comfort. The Government did not devote sufficient resources to the Ministry of Justice and Labor and the Ministry of Health to enforce these provisions effectively.

Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, but they may not do so until the Ministries of Justice and Labor and Health recognized such conditions formally. Although there are laws intended to protect workers who file complaints about such conditions, many employers reportedly took disciplinary action against them.

f. Trafficking in Persons

The Constitution proscribes and the Penal Code criminalizes trafficking in persons; however, there were sporadic reports of trafficking to and from the country for sexual purposes.

The Penal Code punishes trafficking in persons with up to 10 years in prison; the code also outlaws compelling anyone to travel outside the country or to enter the country for the purpose of prostitution or compelling a minor under 18 years of age to work as a prostitute. There were no documented prosecutions against traffickers. The Government's Secretariats of Women's Affairs, Children's Affairs, and Social Action maintained an interest in trafficking, and planned to undertake new initiatives in the area during 2004.

In April, there were press reports that Spanish police broke up a network that smuggled young women of various nationalities into Spain to work as prostitutes. Of the 71 women taken to Spain, 28 were from Paraguay.

In September, there were reports that a San Lorenzo prosecutor investigated the cases of young women allegedly trafficked to Argentina with false employment promises and forced to work as prostitutes. Because there were no government investigations of trafficking, there was no information regarding methods used or persons responsible.

The NGOs Luna Nueva and Global Infancia monitored trafficking situations that affected women and children and provided assistance to victims. Global Infancia organized a series of regional councils for the defense of the rights of children and adolescents, which freed eight girls from prostitution during the year.